

Violence in the Workplace



Office for Employee and
Organizational Development

Violence in The Workplace

Office for Employee and Organizational Development

Mission Statement

**To help the people and organizations of Kentucky
government continually learn and improve
performance in order to excel in meeting their
customers' needs.**

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Reasonable accommodations are provided upon request.

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Notes

Violence in the Workplace

The Governmental Services Center completed research in 1999 to identify key competencies needed to be successful as a manager in the public sector. These competencies have also been linked to each workshop offered by OEOD. Below is the list of six key competencies identified in this research with the specific competency(ies) identified for this particular workshop in bold, italics lettering.

Personal Development

- Self objectivity
- Self confidence
- Being proactive
- Personal and professional credibility

Interpersonal Skills

- *Oral and written communication*
- *Adapting interpersonal style to meet the needs of people and situations*
- *Coaching and developing others*
- *Leadership style flexibility*

Critical Thinking

- Fact-based approach to problem-solving and decision making

Organizational Performance

- *Organizational communication*
- *Goal setting, coaching, and evaluating*

Service Orientation

- Maintaining a customer and service delivery focus

Technical Skills

As you continue your learning and want to expand your knowledge in this particular area, we also recommend you consider taking the following workshop, which complements this course. It is Dealing with Conflict.

Workplace Violence

Learning Goals and Objectives

Learning Goal

To develop an awareness of potentially violent situations in the workplace and to recognize the warning signs of domestic violence.

Objectives

At the completion of the workshop, participants will be able to:

- Identify the four categories of Workplace Violence
- Recognize the warning signs of a potential offender or potential domestic violence victim.
-

Agenda

- Workplace Violence Myths and Realities
- Defining Workplace Violence
- The Four Categories of Workplace Violence
- Warning Signs
- Video Case studies

Welcome to

Workplace Violence

Awareness, Intervention, Response, Post-stabilization

Incidents of workplace violence have become so common that only the most shocking now make national news. Yet most of us still deny the possibility that such a catastrophe could occur in our own workplace or, worse yet, could be caused by one of our employees. We want to believe, "It can't happen here." Hopefully, it won't. But behind the sensational headlines a very real, day-to-day trend of workplace threats, aggression, and assaults has grown to epidemic proportions. Contrary to common misconceptions, fatalities are NOT involved in most cases. But, even incidents without assaults or physical injuries can devastate the sense of personal security people once felt at their place of work. This program is designed to make you more aware of the issues related to workplace violence and to give you some tools to help recognize, defuse, and prevent it. You will learn common causes of violent and aggressive behavior, the warning signs of a potential offender, and ways to intervene before it escalates beyond control.

The information in this workshop takes the legal, operational, and psychological implications of workplace violence into account. Although this workshop is not designed to solve specific difficult employee problems, you will leave with the knowledge and resources to handle the situation professionally, legally, and safely.

Myths vs. Realities

Circle your preferred answer

1. About 1,000 people are murdered at work every year – an average of 20 homicides each week, according to the National Institute for Occupational Safety and Health.

Myth **Reality**

2. Each year, more than 2,000,000 people become victims of violent crime at work.

Myth **Reality**

3. Homicide is the #1 leading cause of death for women on the job.

Myth **Reality**

4. Shootings account for 75% of the incidents of workplace violence.

Myth **Reality**

5. According to the National Institute for Occupational Safety and Health, an estimated 18,000 employees are victims of nonfatal workplace assaults each week.

Myth **Reality**

6. State and local government employees are at a greater risk of being attacked than are private sector employees.

Myth **Reality**

7. Most nonfatal workplace assaults occur in service settings such as hospitals, nursing homes, and social service agencies.

Myth **Reality**

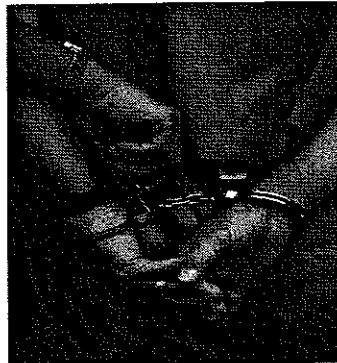
8. Of the total number of women that were murdered at work, twenty percent were killed by their partner.

Myth **Reality**

Is There a Reason for Concern?

- *Updated July 7, 2004*
- July 2, 2004 (Kansas City, Kansas) 6 killed (including gunman), 2 wounded
- July 2, 2004 (Chicago, Illinois) 1 killed
- June 30, 2004 (Crozet, Virginia) 1 wounded
- June 24, 2004 (Fort Wayne, Indiana) 2 killed
- June 17, 2004 (Shreveport, Louisiana) 1 killed
- June 14, 2004 (DeQueen, Arkansas) 2 killed
- June 9, 2004 (Arcadia, Louisiana) 2 killed (including gunman)
- June 4, 2004 (Seymour, Connecticut) 1 killed (gunman) 1 wounded
- June 1, 2004 (Miami, Florida) 1 wounded
- May 24, 2004 (Salt Lake City, Utah) 2 killed (including gunman)
- May 12, 2004 (Bronx, New York) - 1 killed
- May 10, 2004 (Northfield Township, Illinois) - 2 killed (including gunman)

-www.workplaceshootings.org



Webster's Dictionary defines *violence* as:

Intense or _____

Severe or injurious treatment or action;

An _____ exercise of power or force.

What is Workplace Violence?

Any _____ or act of _____

against a worker such as threats, verbal abuse to

physical assaults and homicide;

Any _____ or act against an

employee that creates a hostile work environment.

.....homicide remains the third leading cause of fatal occupational injuries for all workers and the second leading cause of fatal occupational injuries for women.

- "Workplace Violence: A Report to the Nation",
February, 2001

The Four Categories

Addressing this problem is complicated, because workplace violence has many sources. To better understand its causes and possible solutions, researchers have divided workplace violence into four categories. Most incidents fall into one of these categories:

Criminal Intent (Type I):

In May 2000, two men entered a Wendy's in Flushing, NY, with the intent to rob the fast-food restaurant. They left with \$2,400 in cash after shooting seven employees. Five of the employees died and two others were seriously injured.

In Type I incidents:

- The perpetrator does not have any legitimate business relationship with the organization
- The primary motive is usually theft
- A deadly weapon is often involved
- Workers who exchange cash, work late hours, and/or work alone are at greatest risk

Customer/Client (Type II):

Rhonda Bedow, a nurse who works in a state operated psychiatric facility in Buffalo, NY, was attacked by an angry patient who had a history of threatening behavior, particularly against female staff. He slammed Bedow's head down onto a counter after learning that he had missed the chance to go outside with a group of other patients. Bedow suffered a concussion, a bilaterally dislocated jaw, an eye injury, and permanent scarring on her face from the assault. She still suffers from short-term memory problems resulting from the attack.

When she returned to work after recuperating, the perpetrator was still on her ward, and resumed his threats against her.

In Type II incidents:

- The perpetrator is a "customer" of the worker
- The violent act generally occurs in conjunction with the worker's normal duties
- The risk of violence to some in this category (e.g., mental health workers, police) may be constant, even routine



Factors that place workers at risk for violence in the workplace include interacting with the public, exchanging money, delivering services or goods.....

- "Workplace Violence in the News" C-I-V-I-L,
December, 2000

Worker-on-Worker (Type III):

Type III violence occurs when an employee assaults or attacks his or her co-workers. In some cases, these incidents can take place after a series of increasingly hostile behaviors from the perpetrator. Worker-on-worker assault is often the first type of workplace violence that comes to mind for many people, possibly because some of these incidents receive intensive media coverage, leading the public to assume that most workplace violence falls into this category. For example, the phrase "going postal," referring to the scenario of a postal worker attacking co-workers, is sometimes used to describe Type III workplace violence. However, the U.S. Postal Service is no more likely than any other industry to be affected by this type of violence.

In Type III incidents:

- The perpetrator is an employee or former employee
- The motivating factor is often one or a series of interpersonal or work-related disputes



Personal Relationship (Type IV):

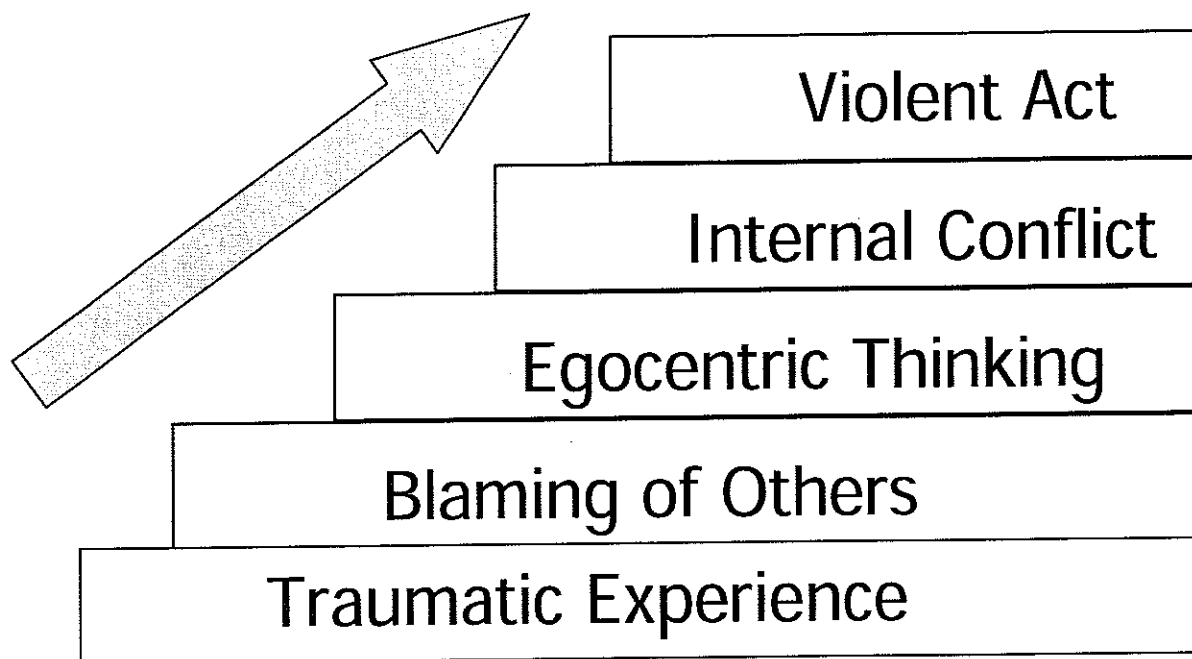
Pamela Henry, an employee of Protocall, an answering service in San Antonio, had decided in the summer of 1997 to move out of the area. The abusive behavior of her ex-boyfriend, Charles Lee White, had spilled over from her home to her workplace, where he appeared one day in July and assaulted her. She obtained and then withdrew a protective order against White, citing her plans to leave the county. On October 17, 1997, White again appeared at Protocall. This time he opened fire with a rifle, killing Henry and another female employee before killing himself.

Because of the insidious nature of domestic violence, it is given a category all its own in the typology of workplace violence. Victims are overwhelmingly, but not exclusively, female. The effects of domestic violence on the workplace are many. They can appear as high absenteeism and low productivity on the part of a worker who is enduring abuse or threats, or the sudden, prolonged absence of an employee fleeing abuse. Occasionally, the abuser—who usually has no working relationship to the victim's employer—will appear at the workplace to engage in hostile behavior.

In some cases, a domestic violence situation can arise between individuals in the same workplace. These situations can have a substantial effect on the workplace even if one of the parties leaves or is fired.



Possible Steps to a Violent Act



Do people read the book and follow these steps?

Partner Abuse & Dating Violence

A form of domestic violence, a pattern of behavior including

- _____ attack
- _____ attack
- _____ attack
- _____ coercion

resulting in harm, suffering, injury and sometimes death.

"When the domestic violence occurs, the fear and anticipation of violence can significantly diminish the victim's ability to be productive. That fear also extends to co-workers and supervisors, who because they work in close proximity to the victim, realize they could be in harm's way."

—Minnesota Center Against Violence and Abuse

Spouse Abuse

State law requires all persons are to report suspected spouse abuse. The most effective way to comply with that law while ensuring the safety and empowerment of the employee may be to assist the employee in making the report herself or himself.

'Kentucky law requires that any person who suspects a spouse is being abused shall report allegations in accordance with KRS 209.030(2) Similarly, KR.S 620.030 requires the reporting of child abuse and neglect.

What if an employee denies the victimization, but there are clear indicators?

Victims of domestic violence and rape have numerous and valid reasons for not disclosing the abuse and a victim knows best how much danger she or he is in and what would increase the risk for her or him. The supervisor or manager must make every practicable attempt to respect the employee's wishes, while letting the employee know that many people experience domestic violence and sexual assault and help is available if it is needed at any time. Also, employers should encourage the employee to contact the **Kentucky Employee Assistance Program**, in Frankfort at (502) 564-5788 or use the toll free 1-800 445-KEAP if the employee needs immediate help or just needs to talk to a neutral and supportive professional.



What are the warning signs of Domestic Violence?

The ability to provide effective prevention and intervention is greatly enhanced when supervisors are aware of potential domestic violence indicators. A victim may exhibit only a few of these signs, or none at all, but when considered as a whole the response to the following questions can provide supervisory staff with a framework to determine if additional action is needed.

WHAT DO I LOOK FOR?

- ✓ Is the employee _____ or _____
- ✓ Is the employee uncharacteristically _____ or _____ without explanation?
- ✓ Is there a change in work performance?
- ✓ Is the employee uncharacteristically _____, _____ or _____ ?
- ✓ Is the employee refusing to take phone calls?
- ✓ Is the employee receiving an _____ of calls?
- ✓ Is the employee hesitant to go out for lunch?
- ✓ Has the employee had unexpected or _____ visitors at work?
- ✓ Has the employee been the victim of threats or vandalism at work?

Supervisors are often in a unique position to recognize indicators of domestic violence and sexual assault, but employers are not expected to provide thorough legal and advocacy information. Employees should be immediately referred to appropriate resources once domestic violence or rape is disclosed. If, based upon the employee's current situation, an employer or supervisor suspects abuse is occurring, the employee should be referred to the Kentucky Employee Assistance Program. Additionally, if the employee is being victimized by a spouse, the employee must be informed that state law requires all persons to report suspected spouse abuse to the Cabinet for Families and Children.* The most effective way to comply with that law while ensuring the safety and empowerment of the employee may be to assist the employee in making the report herself or himself.

* Kentucky law requires that any person who suspects a spouse is being abused shall report allegations to the Cabinet for Families and Children. KRS 209.030(2) Similarly, KRS 620.030 requires the reporting of child abuse and neglect.

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What should I consider in determining the level of risk to the workplace?

In addition to a specific victim's concerns, supervisors must also consider potential risks to other employees when domestic violence and sexual assault occur in the workplace. Ascertaining the level of risk to other employees is crucial to the safe operation of all workplaces in the Commonwealth. The following is a list of questions to consider when assessing risk to the workplace:

- ☐ Has an intimate partner, not employed by the Commonwealth, threatened or attacked an employee?
- ☐ Has an employee of the Commonwealth threatened or attacked a fellow employee?
- ☐ How are these threats communicated? (Phone, e-mail, in person)
- ☐ Has an employee been stalked at work (*i.e. the offender waited in the parking lot after work, called repeatedly to learn a daily routine, appeared at the employee's worksite, vandalized property at or near work*)?
- ☐ Is the offender jealous or suspicious of other employees?
- ☐ Does the offender have a history of violent behavior?
- ☐ Does the offender have access to any weapons?
- ☐ Does the offender have a history of substance use or abuse?
- ☐ Does the offender have mental health problems?
- ☐ Have police reports been filed due to domestic violence or rape?
- ☐ Is the offender currently a respondent to a civil protective order and does it apply to the workplace?

Video Case Studies

1. The Incident: Just Try to Fire Me!

Adam is a data entry clerk in your organization's employee-benefits department. His responsibilities include data-entry of confidential employee medical information. Over the past several months, Adam's performance has been marginal at best. You arrange a meeting with Adam to discuss his poor performance.

What are you going to do right now?

Who are you going to talk to?

2. The Incident: I'll Go Postal

You and Jim have worked together for the past two years. During the past six months, he has been acting a little peculiar. His work record is not very good, and just yesterday, he was given a written reprimand for poor performance.

What are you going to say to Jim now?

What are you going to do?

Who are you going to talk to?

3. The Incident: Scary Jerry

Jerry just won't leave you alone. You got the job he wanted and now he's acting like it's your fault that the job was given to you over him. He is constantly giving you dirty looks, making snide remarks about you to other employees, and spreading rumors about you in your department. Jerry has always been a little "different" and frankly, he scares you. Anything you say to him is greeted with greater and greater hostility. Jerry has just confronted you.

What are you going to do?

What will you say to Jerry at this time?

Who will you discuss this incident with?

What do you plan to do next?

4. The Incident: A Walk in the Parking Lot

Sandy has been working in her current job for about seven years. Until recently, Sandy's performance was above average, but now something is bothering her. She confides in you that an ex-boyfriend has been harassing her at work, making phone calls to her, and even following her. Sandy is very upset by his actions and does not know what to do. As you leave the office together, you notice that the guy's sitting in the parking lot, right next to Sandy's car.

What are you going to do right now?

Could you have done anything differently?

Did Sandy have any responsibilities prior to the incident?

5. The Incident: Magnetic Personality

Jane has been an employee in your agency for about two years. She is very bright and seems to handle almost any assignment given to her. However, Jane also has a violent temper. On occasion, she loses her cool with fellow employees, as well as with her supervisor, Karen. You observe Jane intentionally trying to erase computer disks by rubbing them over a magnetic paperclip dispenser.

What are you going to do right now?

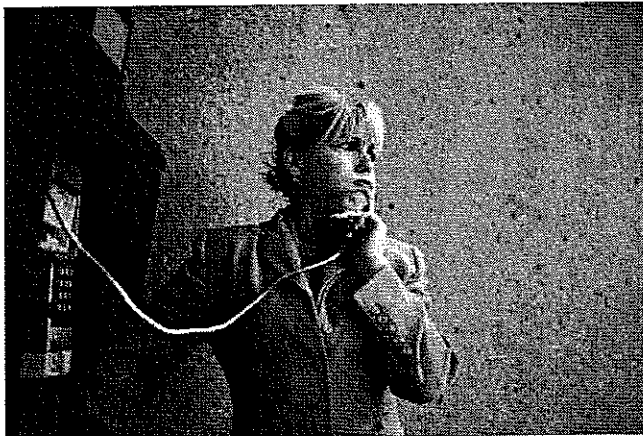
Who are you going to tell what you observed?

KEAP

The Kentucky Employee Assistance Program (KEAP) helps employees find solutions to personal problems that may hinder their effectiveness at work, and assists supervisors in dealing effectively with troubled employees.

All state employees and their families are eligible for KEAP services, and there is no cost for its information and referral services. All contacts with KEAP are strictly confidential, and any personal information will be kept under the strictest rules of privacy as permitted by state and federal law.

If you or your family could benefit from this service, call the KEAP office for information or referral. In Frankfort call 564-5788, or use the toll-free number 1-800-445-KEAP from anywhere in the state. Employees of the Department of Kentucky State Police may call (502) 573-1719



Appendix

Recognizing and Defusing Aggressive Behavior"

Warning Signs

- ◆ Decrease or inconsistency in productivity
- ◆ Excessively absent or tardy
- ◆ Excessive or inappropriate demand on supervisor's time
- ◆ Poor interactions with coworkers
- ◆ Memory or concentration problems
- ◆ Deteriorating grooming habits
- ◆ Unsafe work habits/recklessness
- ◆ Need to blame others
- ◆ Severe depression/withdrawal/avoidance/isolation
- ◆ Evidence of personal stress
- ◆ Erratic or emotional behavior
- ◆ Fascination with weapons
- ◆ Paranoid or irrational beliefs
- ◆ Romantic obsession
- ◆ History of violence/abuse
- ◆ Chemical dependency

Employer Liability

OSHA

General Duty Clause Section 5 (a)

"Each employer shall furnish to each of his (or her) employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause (them) death or serious physical harm."

The best way to avoid liability under the Act would be to address workplace security and provide training concerning violent situations.

---Workplace Violence: First Line of Defense, 1994
Excellence in Training Corporation
Des Moines, IA

Response/Post-Stabilization

Tips for Putting the Pieces Together Again

- ✓ Return the worksite to the pre-episode appearance
- ✓ Provide critical incident stress debriefing within 24-48 hours
- ✓ Clarify facts to employees
- ✓ Provide extra security if needed
- ✓ Provide on-going support
- ✓ Designate **one spokesperson** to deal with media

What Security Measures Has Your Agency Taken?

- Check-in desk added?
- Access card entry systems used?
- Employee, visitor ID's distributed?
- Escorts to parking lots provided?
- Security guards added?
- Video surveillance installed?

Since 1994, many companies have increased security measures. Which measure is the most popular? Answer: 33% of the companies surveyed added check-in desks. (Society for Human Resource Management, 1996)

Kentucky Employee Assistance Program



Identifying the Troubled Employee

The Kentucky Employee Assistance Program can serve both supervisor and troubled employee. KEAP can be contacted at 502-564-5788 or 800-445-KEAP. Referring an employee for assistance based upon job performance or job behavior problems is to do something **FOR** the employee, not **TO** the employee.

ABSENTEEISM:

- Leaving without permission
- Excessive sick leave
- Frequent Monday and/or Friday absences
- Payday or day after absences
- Tardiness, Especially on Monday/Friday returning from lunch
- Unbelievable excuses for absences or tardiness
- Absent more with colds, flu and minor ailments than other employees
- Frequent unscheduled short-term absences

ON-THE-JOB ABSENTEEISM

- Away from desk more than necessary
- Extended coffee/smoke breaks

PROBLEMS WITH MEMORY

- Difficulty recalling instructions, details, or conversations

DIFFICULTY IN CONCENTRATION

- Work requires greater effort
- Jobs take more time
- Exercises poor judgement, makes bad decisions
- Difficulty following instructions
- Complex assignments become difficult

LOWERED JOB EFFICIENCY

- Missed deadlines
- Dependability decreases
- Complaints from customers/clients
- Alternate periods of high and low productivity
- Improbably excuses for poor job performance

ACCIDENTS

- Accidents on job more frequent than other employees
- "Horseplay"

JOB BEHAVIOR

- Excessive time on personal phone calls, or cell phone.
- Returning from lunch in altered condition
- Mood swings
- Emotional outbursts (crying, shouting, cursing)
- Rudeness with coworkers, customers, or clients
- Deterioration of personal appearance
- Inappropriate behavior such as throwing things or slamming doors
- Borrowing money from coworkers
- Unproductive complaining
- Avoiding coworkers

WHISTLE BLOWER

61.102. Reprisal against public employee for disclosure of violations of law prohibited – Construction of statute.

- (1) No employer shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence, in any manner whatsoever, which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Kentucky Legislative Ethics Commission, the Attorney General, the Auditor of Public Accounts, the General Assembly of the Commonwealth of Kentucky or any of its members or employees, the Legislative Research Commission or any of its committees, members or employees, the judiciary or any member or employee of the judiciary, any law enforcement agency or its employees, or any other appropriate body or authority, any facts or information relative to an actual or suspected violation of any law, statute, executive order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, or any of its political subdivisions, or any facts or information relative to actual or suspected mismanagement waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety. No employer shall require any employee to give notice prior to making such a report, disclosure, or divulgence.
- (2) No employer shall subject to reprisal or discriminate against, or use any official authority of influence to cause reprisal or discrimination by others against, any person who supports, aids, or substantiates any employee who makes public any wrongdoing set forth in subsection (1) of this section.
- (3) This section shall not be construed as:
 - (a) Prohibiting an employer from requiring that an employee inform him of an official request made to an agency for information, or the substance of testimony made, or to be made, by the employee to legislators on behalf of an agency.
 - (b) Permitting the employee to leave his assigned work area during normal work hours without following applicable law, administrative regulations, rules, or policies pertaining to leave, unless the employee is requested by the Kentucky Legislative Ethics Commission to appear before the commission, or by a legislator or a legislative committee to appear before a legislative committee;
 - (c) Authorizing an employee to represent his personal opinions as the opinion of his employer, or

(d) Prohibiting disciplinary or punitive action if an employee discloses information which he knows;

1. To be false or which he discloses with reckless disregard for its truth or falsity;
2. To be exempt from required disclosure under the provision of KRS 61.870 to 61.884;
3. Is confidential under any other provision of law.

(Enact. Acts 1986, Ch 301 & 2, effective July 15, 1986; 1983 (1st Ex. Sess), ch 4 & 64, effective September 16, 1993.)

Northern Kentucky Law Review. Hawkins and MacGillvray, A Summary of Kentucky Employment Law Decisions, 21 N. Ky. L. Rev. 357 (1994).

Opinions of Attorney General. Since Chapter 4 of Acts 1993 (1st Ex. Sess.) Contained an emergency clause [& 92] it became effective as a whole when the Governor tendered the bill, which he had signed, to the Secretary of State on February 18, 1993. However, section 87 (13) of Ch. 4 of Acts 1993 (1st Ex. Sess.), provided that, except as provided in &&88, 89, and 90, && 1-84 of the Act should become effective two hundred ten (210) days after the effective date of the Act, September 16, 1993; other subsections within & 87 establish a transition schedule with other specific dates calculated from the effective date of the Act. Such schedule is actually a listing of deadlines within which certain actions called for in & 87 of the Act are to be completed. Such schedule is as follows: "within 45 days of the effective date of the act", on or before April 5, 1993; "within 60 days of the effective date of the act", on or before April 19, 1993; "within 75 days of the effective date of the act", on or before May 4, 1993; "within 90 days of the effective date of the act", on or before May 19, 1993; "within 150 days of the effective date of the act", on or before July 19, 1993; "within 180 days of the effective date of the act", on or before August 17, 1993; "two hundred ten (210) days after the effective date of the act", September 16, 1993. OAG 93.25.

NOTES TO DECISIONS

Inapplicability

This section was not applicable where a lawsuit filed on behalf of former employee's son was not intended as a report of information regarding any alleged mismanagement or endangerment of public health and safety, but was rather a simple negligence action. *Boykins v. Housing Auth.*, 842 S. W. 2d 527 (ky, 1992).

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327.110 License to carry concealed deadly weapon—Criteria—Suspension or revocation—Prohibitions—Reciprocity—Reports.

(14)The owner, business or commercial lessee, or manager of a private business enterprise, day-care center as defined in KRS 199.894 or certified or licensed family child-care home as defined in KRS 199.8982, or a health-care facility licensed under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit persons holding concealed deadly weapon licenses from carrying concealed deadly weapons on the premises and may prohibit employees, not authorized by the employer, holding concealed deadly weapons licenses from carrying concealed deadly weapons on the property of the employer. If the building or the premises are open to the public, the employer or business enterprise shall post signs on or about the premises if carrying concealed weapons is prohibited. Possession of weapons in a vehicle on the premises shall not be a criminal offense so long as the weapons are not removed from the vehicle or brandished while the vehicle is on the premises. A private but not a public employer may prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons in vehicles owned by the employer, but may not prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons in vehicles owned by the employee, except that the Justice Cabinet may prohibit an employee from carrying any weapons, other than the weapons issued or authorized to be used by the employee of the cabinet, in a vehicle while transporting persons under the employee's supervision or jurisdiction. Carrying of a concealed weapon in a location specified in this subsection by a license holder shall not be a criminal act but may subject the person to denial from the premises or removal from the premises, and, if an employee of an employer, disciplinary

EMERGENCY LEAVE REGULATIONS

101 KAR 2: 102

Section 8: Special Leave of Absence

3) If approved by the secretary, an appointing authority may place an employee on special leave with pay for investigative purposes pending an investigation of an allegation of employee misconduct.

(a) Leave shall not exceed sixty (60) working days.

(b) The employee shall be notified in writing by the appointing authority that he is being placed on special leave for investigative purposes, and the reasons for being placed on leave.

(c) If the investigation reveals no misconduct by the employee, records relating to the investigation shall be purged from agency and Personnel Cabinet files.

(d) The appointing authority shall notify the employee, in writing, of the completion of the investigation and the action taken. This notification shall be made to the employee, whether the employee has remained in state service, or has voluntarily resigned after being placed on special leave for investigative purposes.

Violence in the Workplace

Issues and Options

Issues:

Threats or jokes about violence can intimidate employees and create a "hostile" work environment. Acts of violence range from verbal harassment to shoving or kicking to stabbing and or shooting. Costs of threats and acts of violence are evidences in decreasing productivity, lowered morale, increased absenteeism and worker's compensation.

Supervisors face liability issues including negligent hiring, firing, training, and retention.

The ADA presents issues when threatening employees are perceived to or do have psychiatric disabilities. In responding to threats or acts of violence the agency is setting precedents for how it will act in the future.

Options:

Verbal reprimand/job counseling – puts employee on notice that behavior is unacceptable. Is not grievable or appealable.

Memo of concern – puts employee on notice that behavior is unacceptable. Is not grievable. Is not discipline. Creates a paper trail showing agency is responding. No visible evidence to other parties within agency. Provides for KEAP referral.

Written reprimand – Puts employee on notice that behavior is unacceptable. Creates document showing agency is responding. Is not grievable. Is lowest level of correction and opens door for more action. No visible evidence to other parties within agency. Provides for KEAP referral.

Suspension – Can range from 1 to 30 days. Removes employee from workplace. Clear message that behavior is unacceptable. Observable to co-workers. Subject to "open records" disclosure. Provides for KEAP referral. Is appealable to Personnel Board.

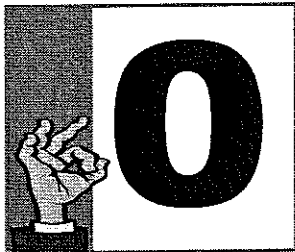
Termination – Removes employee from workplace. Demonstrates zero tolerance. Is observable by others in and out of agency. Is appealable to Personnel Board.

Investigative Leave – Removes employees from workplace. Provides time for agency to gather information and documentation. Provides for KEAP referral. Is paid leave therefore employee is unlikely to appeal. Is observable to co-workers. Subject to "open records" disclosure. Agency can completely reverse action if necessary without residue. Agency has 30 working days to act. Allows agency to obtain fitness for duty evaluation of employee.

Agency Directed Sick Leave – Removes employee from workplace. Allows agency to obtain fitness for duty evaluation of employee. Provides for KEAP referral. Absence is observable to others in agency. Is grievable. Uses employee's leave balance. Employee may go w/out pay. Raises ADA issues. May tie up position for a year. May preclude discipline (contact Personnel Cabinet Attorney for guidance on case by case basis).

Submitted by Mary Jane Cowherd, KEAP

Kentucky State Government's Policy on Workplace Violence



A growing concern among workers in both the public and private sector is safety from violence while at work. In response to this concern it is important that every employee be aware that violence and threats of violence are unacceptable workplace behaviors. Violence in the workplace involves more than the use of weapons. It can include shoving, harassing, and hitting as well as other acts.

If a threat of violence occurs in the workplace, from employees or from customers, the supervisor must be made aware of the threat. If an incident of violence occurs at work it is important to provide employees in that work setting with psychological care within 24-48 hours by contacting either the Kentucky Employee Assistance Program at (502) 564-5788 or the Kentucky Community Crisis Response Board at (502) 564-0131.

For Immediate Release

August 24, 2001

Contact: Channell Barbour or Carol Jordan (502) 564-2611

Governor and First Lady Joined by All State-Level Constitutional Officers in Announcing Policy on Domestic Violence and Sexual Assault in the Workplace

Frankfort. Declaring that a safety zone for women in the Commonwealth must extend to state government offices and agencies, Governor Patton today signed a "zero tolerance" policy against domestic violence and sexual assault in the public workplace. "While it is my goal to have a productive workplace in the Executive Branch of government, first and foremost we must ensure a safe workplace for all employees," Governor Patton said. "In this Commonwealth, domestic violence and sexual assault will not be tolerated, nor will we allow any individual to use state resources to perpetrate harassment of another employee," the Governor said in explaining his motivation for the policy.

The First Lady, who recommended the policy to Governor Patton, shared data showing that 30% of women who die in the workplace lose their lives to homicide. "Our effort is to prevent any more loss of life and to communicate to victims that if they find themselves in harms way, this Commonwealth will take steps to support them," Mrs. Patton said.

The Governor and First Lady were joined in making today's announcement by Attorney General Ben Chandler, Secretary of State John Y. Brown III, Treasurer Jonathan Miller, Auditor Ed Hatchett and Agriculture Commissioner Billy Ray Smith. In acknowledging their participation, Governor Patton said, "it is indicative of the importance of this initiative that I am joined in affixing my signature to this policy by every state-level Constitutional Officer in the Commonwealth." As Governor Patton signed the Executive Order implementing the "Zero Tolerance Policy for Domestic Violence and Sexual Assault in the Workplace", each Constitutional Officer concurrently signed an Administrative Order implementing the program in his respective office.

As he signed his Administrative Order, Secretary of State John Y. Brown III said, "This Order serves the twin goals of raising awareness of the problems of domestic violence and sexual assault and promoting a policy of zero tolerance against such behavior, both inside and outside the workplace." Secretary Brown joined Mrs. Patton as Co-Chair of the Governor's Council on Domestic Violence and Sexual Assault in June of this year.

The "Domestic Violence and Sexual Assault in the Public Workplace Policy" has three key components:

- 1) Zero Tolerance for All Acts of Violence;
- 2) Creating a Sensitive and Safe Environment for Victims;
- 3) Increased Education for All Employees.

The policy will be implemented by training, the publication of the policy with accompanying guidelines for employers and employees, and through posting of information on agency and office web sites, bulletin boards and other locations.

101 KAR 2: 095. Classified service administration regulations.

Section 9. Workplace Violence Policy. (1) Workplace violence shall be prohibited and include:

- (a) The attempted, threatened, or actual conduct of a person who endangers or is likely to endanger the health and safety of state employees or the general public;
or
 - (b) A threatening statement, harassment or behavior that gives a state employee or member of the general public reasonable cause to believe that his health or safety is at risk.
- (2) Examples of prohibited workplace violence shall include
- (a) Threats of harm;
 - (b) Brandishing or displaying a weapon or an object that looks like a weapon in a manner which would present a safety risk to a state employee or a member of the general public or threatens or intimidates them;
 - (c) Intimidating, threatening, or directing abusive language toward another person, either verbally, in writing or by gesture;
 - (d) Stalking;
 - (e) Striking, slapping or otherwise physically attacking another person; and
 - (f) Disobeying or failing to follow the reasonable directive of a supervisor to take action or cease actions which create a risk to the health or safety of a state employee or the public or threatens or intimidates them.
- (3) Violation of this section shall constitute grounds for disciplinary action and referral for criminal prosecution.

911

IMPORTANT

Indicate location at which the incident is *OCCURRING*



- 4Describe perpetrator(s)
- 4Give all the information you can
- 4Don't get mad at 911 operators
- 4Stay on the line -- if possible
- 4Stay calm

LET 911 OPERATORS DO THEIR JOB -- SAVE YOUR LIFE!

REMEMBER: *in state government, dial 9-911*



338.011 Statement of purpose and policy.

The General Assembly finds that occupational accidents and diseases produce personal injuries and illness including loss of life as well as economic loss. Therefore, the General Assembly declares that it is the purpose and policy of the Commonwealth of Kentucky to promote the safety, health and general welfare of its people by preventing any detriment to the safety and health of all employees, both public and private covered by this chapter, arising out of exposure to harmful conditions and practices at places of work and otherwise to preserve our human resources by providing for education and training, inspection of workplaces, consultation, services, research, reports and statistics, and other means of furthering progress in the field of occupational safety and health.

The Kentucky Model Policy: Three Steps to Violence Free Workplaces

1. Zero Tolerance for Domestic Violence and Sexual Assault:

Disciplinary Issues for Perpetrators of Domestic Violence or Sexual Assault

The Commonwealth of Kentucky is committed to a workplace in which domestic violence and sexual assault are neither tolerated nor excused. Any employee who misuses state resources to perpetrate domestic violence or sexual assault in any form including physical assault, rape, stalking and threats to harm at or from the workplace will be subject to disciplinary action up to and including dismissal. This includes both face-to-face interaction and the use of workplace resources such as phones, fax machines, e-mail, mail or other means. If the perpetrator's job position provides access to certain types of identifying or confidential information and said information is used to harm a victim, the employee shall be subject to corrective or disciplinary action.

Special Provisions for Employees Who Perpetrate Domestic Violence or Sexual Assault

If an employee is arrested or convicted for a domestic violence related crime or sex offense, or is a respondent to a civil order of protection due to an incident of domestic violence or sexual assault and such action has a direct connection to the individual's duties as a state employee, the employee may be subject to disciplinary action up to and including dismissal. Specifically, if an employee who is licensed to possess a firearm as a condition of employment is arrested, convicted or the respondent to a civil protective order in a domestic violence related offense, the employee's authority to possess the firearm may be unlawful under federal law 18 U.S.C. 922 (g)(8)&(9). The employee shall immediately notify the Commonwealth of Kentucky in the event any of these circumstances occur and the employer shall conduct an internal inquiry in order to determine appropriate action to ensure the safety of the victim and other employees.

2. Creating Safety for Victims of Domestic Violence and Sexual Assault:

Work Schedules for Victims of Domestic Violence or Sexual Assault

The Commonwealth of Kentucky will make reasonable efforts to assist victims who need time off for medical appointments, legal assistance, court appearances, relocation or to make other arrangements for their personal safety. Employees and supervisors are encouraged to explore all viable leave options including, but not limited to, annual leave, sick leave, compensatory leave, leave donation from other employees, leave without pay and Family Medical Leave Act options. The

Commonwealth of Kentucky will make reasonable efforts to provide a flexible work schedule in order to enhance a victim's safety.

Performance Issues for Victims of Domestic Violence and Sexual Assault

While employers retain the right to discipline employees for cause, the Commonwealth of Kentucky recognizes that victims of domestic violence and sexual assault may have performance problems such as chronic absenteeism or inability to concentrate as a result of their victimization. When the victim confides that the performance issue is directly related to domestic violence or sexual assault, a referral for appropriate assistance shall be offered to the employee. The direct supervisor, in collaboration with the employee and an Employee Assistance Program representative, shall allow reasonable time for the employee to obtain assistance in order to remedy the performance issue. If reasonable efforts to resolve the performance issues are unsuccessful, the employee may be subject to disciplinary action up to and including dismissal.

3. Safe and Productive Workplaces for All Employees:

Recognizing the impact of domestic violence and sexual assault on the workplace, the Commonwealth of Kentucky will maximize the use of prevention and intervention strategies in order to prevent or minimize the occurrence and devastating effects of these crimes. The Commonwealth will post resource information for victims in locations of high visibility, such as bulletin boards or break rooms and in private areas, such as rest rooms and health offices where the employee can obtain it without having to request it or be seen removing it. Additionally, employers shall provide prevention and awareness programs in order to enhance the general knowledge of domestic violence and sexual assault and to promote a violence-free workplace.

Suggested Reading List

Violence in the Workplace

In conjunction with the Governmental Services Center, the State Library has prepared a list of books, periodicals, videos and web sites for the course "Violence in the Workplace." .

The list can be found at the following link:

<http://www.kdla.ky.gov/resources.htm#training> or you can call: Kentucky Department for Libraries & Archives at 502-564-8300 for more information.

Books

Ticking Bombs – Diffusing Violence in the Workplace, Michael Mantell

Understanding and Preventing Violence, Albert J. Reiss and Jeffery A. Roth

Web Sites

www.svn.net/mikekell/collection.html

www.members.aol.com/endwpv/pinkerton-survey.html

www.workplace-violence.com



KENTUCKYUNBRIDLEDSPIRIT.COM

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